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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (s) No. 3940 of 2005

Applicant	:	Bhisham Prasad Rathore, Son of Shri Chhotelal Rathore, Aged about 41 years, Assistant Teacher, Posted at Primary School, Naila, District Janjgeer-Champa
	Versus	
Respondents	:1.	The State of Chhattisgarh, Through, Secretary, School Education Department, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh)
	2.	Director, Public Instructions Chhattisgarh, Pension Bada, Raipur (C.G.)
	3.	District Education Officer, District Janjgeer-Champa (C.G.)

SB : Hon'ble Shri Satish K. Agnihotri, .

Present: Mr. Anupam Dubey, Advocate for the petitioner.
Mr. Sushil Dubey, Govt. Advocate for the respondents/State.

ORDER

(Passed on this 16th day of March, 2007)

1. The petitioner, while working as Assistant Teacher at Boys Primary School, Naila, was transferred to Primary School, Scheduled Caste, Kataud, on the same terms and conditions vide impugned transfer order dated 10.9.2001 (A/1).

2. The Madhya Pradesh State Administrative Tribunal, Bench at Raipur, vide interim order dated 16.10.2001, directed to maintain status quo in regard to the position of the petitioner as was prevailing on 3.10.2001. By virtue of the interim order, the petitioner is continuing at the original place of posting.

3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass

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appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can entertain judicial review only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit